REMARKS

By this amendment, claims 1-60 are pending, in which claims 1, 3, 7-9, 13-15, 30, 38-40 42, 52, 54-55 and 57 are currently amended. No claims are newly presented. No new matter is introduced.

The Office Action mailed November 12, 2004 rejected claims 1, 6-7, 12-13, 18-19, 24, 29, and 34 under 35 U.S.C. § 102 as anticipated by *Wengrovitz et al.* (US 2004/0205209), and claims 2-5, 8-11, 14-17, 32-33, and 35-60 as obvious under 35 U.S.C. § 103 based on *Wengrovitz et al.*

In response to the objection claims 8, 9, 14 and 15, Applicants have amended these claims accordingly.

Applicants appreciate the indication that claims 20-23, 25-28, and 30-31 would be allowable if rewritten in independent form.

The Specification has been amended to correct discovered informalities.

Applicants respectfully traverse the outstanding rejections on the merits, because the claimed invention patentably defines over the applied prior art, as next discussed.

Independent claim 1 recites "signaling conversion logic configured to convert between Session Initiation Protocol (SIP) signaling and circuit-switched telephony signaling to support the call, wherein **addressing information of the calling party device is preserved in the conversion**, and the called party device includes one of a telephone station or a SIP client." Claim 7 and 13 recite "converting between Session Initiation Protocol (SIP) signaling and circuit-switched telephony signaling to support the call, wherein **addressing information of the calling party device is preserved in the conversion**, and the called party device includes one of a telephone station or a SIP client". Claim 19 recites "determining whether the telephony signaling comprises **address information pertaining to the calling party**; and inserting a

header into the call setup message, **the header containing a network address corresponding to the address information.**" Claim 24 recites "means for determining whether the telephony signaling **comprises address information pertaining to the calling party**; and means for inserting a header into the call setup message, **the header containing a network address corresponding to the address information.** Claim 29 recites "responsive to whether the first signaling message includes a remote party identification header, **providing a calling party number element** in the second signaling message, wherein **the content of the calling party number element is derived from the content of the remote party identification header.**"

By contrast, *Wengrovitz et al.* (per paragraphs [46] – [54]) discloses a system that includes a networked private branch exchange switch (PBX), IP-PBX switch 10, in communication with various telephony devices, digital sets 12, IP sets 14, and SIP sets 16. The interfacing of the IP-PBX 10 with the network of SIP sets 16 (also referred to as the SIP network) is accomplished via a SIP-PBX proxy server 18. The SIP-PBX proxy server 30 is configured to solve two main challenges in interfacing the network of SIP sets 16 to the IP-PBX 10. A first challenge is that the IP-PBX 10 employs the PDSV protocol while the SIP sets 16 employ the SIP protocol. A second challenge is the difference in the approach taken by the IP-PBX 10 and the SIP sets 16 in the setup and handling of voice media. In conventional IP-PBX systems, the PBX and IP sets operate in a master-slave mode where the PBX master set up the media flows between IP set slaves. As shown in FIG. 2, the SIP-PBX proxy server 18 reconciles between the two modes of setup and handling of voice media. In step 70, IP-PBX 10 tells SIP set 16 at IP address A (device A) that it will receive media on port X1. In the meantime, device A indicates in step 72 that it wishes to receive media on port X2. The SIP-PBX proxy server 18 intercepts a media packet transmitted in step 74 and destined for IP address A, port X1. The converter 26 within the SIP-PBX proxy server 18 rewrites the packet with a destination port of X2, and

transmits the packet to port X2 as indicated in step 76, thus allowing reconciliation to occur. By rewriting the port number for media packets destined for IP address A, the SIP-PBX proxy server allows both the IP-PBX 10 and SIP set 16 to think that the media has been setup in their preferred fashion.

Wengrovitz et al. never discloses or suggests treatment of addressing information of the calling party device. Nevertheless, the Office Action relies on unfounded facts to reason that *Wengrovitz et al.* does not say such calling party addressing information cannot be preserved. Specifically, the Office Action, on page 3, explains "the SIP-PBX proxy server 18 has made a logical internal connection, or mapping, between ipa1:pas1 and IPB:PBS1 for the signaling ports, and between ipa1:pam1 and IPB:PBM1 for the media ports," and thus concludes "the address information of the calling party has not changed only the address information of the called party has been internally mapped." A close study of the reference reveals that the addressing to which the Office Action refers do not involve addressing of the calling party; the addresses mapped in the SIP-PBX proxy server 18 pertains to logical IP addresses of the network interfaces (see e.g., FIG. 5B and accompanying text). This is consistent with the operation of the port mapping function of the *Wengrovitz et al.* system.

For example, the *Wengrovitz et al.*, in paragraph [80], states the following (Emphasis Added):

> FIG. 9 is a schematic block diagram illustrating the connections made based on the exchange of signals in FIG. 8 according to one embodiment of the invention. According to the illustrated embodiment, the IP-PBX 10 thinks it is exchanging signaling and media with ipa1 on ipa1:pas1 and ipa1:pam1, respectively, while SIP set D 16a thinks it is exchanging signaling and media with the SIP-PBX proxy server 18 on IPB:PBS1 and IPB:PBM1, respectively. In fact, **the SIP-PBX proxy server 18 has made a logical internal connection, or mapping, between ipa1:pas1 and IPB:PBS1 for the signaling ports, and between ipa1:pam1 and IPB:PBM1 for the media ports**, as is illustrated via tables 130c, 40c, and 132a. For example, an RTP packet that arrives on port A (the first network interface 36) with **source IPC:PCM1** and **destination ipa1:pam1** is copied to port B (the

second network interface 38) and **re-labeled with source IPB:PBM1 and destination IPD:PDM1**. Similarly, an RTP packet that arrives on port B with source IPD:PDM1 and destination IPB:PBM1 is copied to port A and re-labeled wit source ipa1:pam1 and destination IPC:PCM1. In this manner, the SIP-PBX proxy server 18 has connected the incoming PSTN call to SIP set D 16a, while fully reconciling the master-slave and peer-to-peer expectations of the IP-PBX and SIP set.

As evident from the above passage, the source address information (e.g., source IPC:PCM1) pertains to an interface, not a calling party. Hence, *Wengrovitz et al.* provides no factual basis for the conclusion asserted by the Office Action.

In light of the above discussion, Applicants respectfully request that the rejection under 102 be withdrawn, as anticipation under 35 U.S.C. §102 requires that each and every element of the claim be disclosed in a prior art reference. Accordingly, claims 1, 7, 13, 19 and 24, and corresponding dependent claims 2-6, 8-12, 14-17 and 33-35, should be indicated as allowable. These dependent claims are also separately patentable on their own merits.

With respect to the obviousness rejection of dependent claims 2-5, 8-11, 14-17, 32-33, and 35-60, as explained above *Wengrovitz et al.*, in part, fails to disclose "wherein addressing information of the calling party device is preserved in the conversion." To the extent that the Office Action is relying on Official Notice for this absent feature, pursuant to the MPEP § 2144.03, Applicants respectfully traverse the Official Notice and request the Examiner to produce references showing the claim features or withdraw the rejection as factually inadequate.

Further, the Office Action (pages 6-10) has simply resorted to the taking of Official Notice for nearly all of the features of claims 2-5, 8-11, 14-17, 32-33, and 35-60: "firewall logic" of claims 2, 8, 14, 36, 43, 52 and 58; "QoS logic" of claims 4, 10, 16, 36, 43, 52 and 58; and "network management logic" of claims 5, 11, 17 and 46-51. For claims 32 and 33, through the wholesale taking of Official Notice, the Office Action conveniently dismisses the detailed features of "from the remote party identification header, identifying a trunk group in the

telephony system to which the call is addressed; determining a country code configured to be associated with the trunk group; and providing the country code in the content of the calling party number." This expedient approach is also applied to the feature of "privacy restrictions" of claim 35. Again, unabashedly, the Office Action takes Official Notice of "classifying traffic received from the one or more voice ports, the one or more data ports, and the one or more network ports, and scheduling the traffic received from the one or more voice ports, the one or more data ports, and the one or more network ports based on the classifying," as positively recited in claim 44. This practice continues with claim 45, in which Official Notice is taken for "a clock configured to generate a reference clock signal; and an echo canceller configured to provide echo control and cancellation."

The rampant taking of Official Notice runs contrary to the Administrative Procedure Act and settled law. The Administrative Procedure Act requires the Patent Office to articulate and place on the record the "common knowledge" used to negate patentability. *In re Sang Su Lee*, No. 00-1158 (Fed. Cir., Jan. 18, 2002); *In re Zurko*, No. 96-1285 (Fed. Cir., Aug. 2, 2001).

Further, although the Examiner may in some instances take Official Notice of certain facts to fill in the gaps, such facts should not comprise the principle evidence upon which a rejection is based. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970).
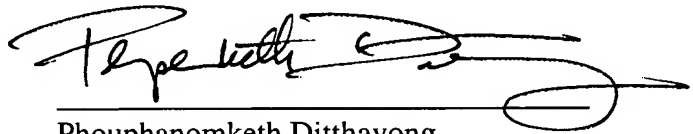
In part because of the pervasive factual inadequacies, Applicants respectfully request withdrawal of the obviousness rejection, and urge the indication that claims 2-5, 8-11, 14-17, 32-33, and 35-60 are allowable.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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